

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KIMBERLY JOHNSON,
Plaintiff,

v.

JOANNE B. BARNHART,
Commissioner of Social Security,
Defendant.

CASE NO. C04-5482FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
WITH MODIFICATION

The Magistrate Judge issued his Report and Recommendation and both Plaintiff and Defendant took note of language in page 5, line 11 of the R&R regarding "certain medical opinions" as inadvertent error, as this case does not concern medical opinions, being an overpayment case. The Magistrate Judge confirms the error. There are no objections otherwise.

ACCORDINGLY, IT IS ORDERED:

- (1) The Court adopts the Report and Recommendation, with the deletion of "certain medical opinions" as noted above ;
- (2) the ALJ erred in her decision as described in the report;
- (3) the matter is therefore REMANDED to the administration for further consideration; and
- (4) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel and Magistrate Judge J. Kelley Arnold.

DATED this 20th day of September 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE